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GUIDANT CORPORATION, INC., ADVANCED
CARDIOVASCULAR SYSTEMS, INC., ORIGIN
MEDSYSTEMS, INC. and ENDOVASCULAR
TECHNOLOGIES, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAROL DAVIS, as executrix of the Estate of
FRANK DAVIS, and CAROL DAVIS,
individually, WENDY KAY HARRIS and
LORI SORRETT,

Plaintiffs

vs.

GUIDANT CORPORATION, INC., et al.

Defendants.

CASE NO. 5:04-CV-0613 JF/PVT

**AMENDED STIPULATION AND
[PROPOSED] ORDER REGARDING
DISCOVERY MOTIONS AND
BRIEFING SCHEDULE**

Judge Presiding: Hon. Jeremy Fogel

Magistrate: Hon. Chief Magistrate
Patricia V. Trumbull

Discovery Motions: Plaintiffs' motion to
compel set; and
Defendants' motion for a
protective order both set
for hearing on July 26,
2005

Date Action Filed: February 13, 2004

Trial Date: None

WHEREAS, in accordance with Local Rules 6-1(b), 6-2(a) and 7-11, defendants GUIDANT CORPORATION, INC., ADVANCED CARDIOVASCULAR SYSTEMS, INC., ORIGIN MEDSYSTEMS, INC. and ENDOVASCULAR TECHNOLOGIES, INC. ("Defendants") and plaintiffs CAROL DAVIS, as executrix of the Estate of FRANK DAVIS, and CAROL DAVIS, individually, WENDY KAY HARRIS and LORI SORRETT ("Plaintiffs") in the above-referenced captioned cases, hereby stipulate and request a continued hearing date and modified briefing schedules for the below referenced motions.

1. On June 14, 2005, Plaintiffs filed a motion to compel which is set for hearing before Chief Magistrate Patricia V. Trumbull on July 26, 2005. Accordingly, Defendants' opposition to this motion is due on July 5, 2005 and Plaintiffs' reply is due on July 12, 2005. The parties have stipulated to a modified briefing schedule with Defendants' opposition to this motion due on July 11, 2005 (by electronic means, including facsimile or e-filing) and Plaintiffs' reply due on July 21, 2005 (by electronic means, including facsimile or e-filing) due to the unavailability of Defendants' counsel who is preparing the opposition and will be in Italy until July 3, 2005. Also, the parties have stipulated to have this motion heard on August 2, 2005 at the request of the court.

2. On June 24, 2005, Defendants filed a motion for protective order which was reset for hearing before Chief Magistrate Patricia V. Trumbull on July 26, 2005, pursuant to her June 27, 2005 order setting briefing schedule and hearing date for this motion. Accordingly, Plaintiffs' opposition to this motion is due on July 8, 2005 and Defendants' reply is due on July 15, 2005. Due to the unavailability of Plaintiffs' *pro hac vice* counsel, Melissa Scartelli, who is preparing the opposition, the parties have stipulated to a modified briefing schedule with Plaintiffs' opposition to this motion due on July 18, 2005 (by electronic means including facsimile or e-filing) and Defendants' reply due on July 21, 2005 (by electronic means including facsimile or e-filing). Again, the parties have stipulated to have this motion also heard on August 2, 2005 at the request of the court.

3. The parties have not previously requested a modified briefing schedule in this case as it relates to the motions discussed in this stipulation.

4. The parties are making these requests for the reasons set forth above.

THEREFORE, IT IS HEREBY STIPULATED THAT:

5. Defendants' motion for a protective order set for hearing on July 26, 2005, at 10:00 a.m., will be continued to August 2, 2005, and Plaintiffs' opposition to this motion is due on July 18, 2005 (by electronic means, including facsimile or e-filing) and Defendants' reply is due on July 21, 2005 (by electronic means, including facsimile or e-filing).

6. Plaintiffs' motion to compel set for hearing on July 26, 2005, at 10:00 a.m., will be continued to August 2, 2005, and Defendants' opposition to this motion is due on July 11, 2005 (by electronic means, including facsimile or e-filing) and Plaintiffs' reply is due on July 21, 2005 (by electronic means, including facsimile or e-filing).

Dated: July 6, 2005

SCARTELLI & DISTASIO LAW FIRM, P.C.

By: /s/

MELISSA SCARTELLI, *Pro Hac Vice*
Plaintiffs CAROL DAVIS, as executrix of
the Estate of FRANK DAVIS, and CAROL
DAVIS, individually, WENDY KAY
HARRIS and LORI SORRETT

Dated: July 6, 2005

GORDON & REES LLP

By: /s/

LINDA L. NUSSER
Attorneys for Defendants
GUIDANT CORPORATION, INC., ADVANCED
CARDIOVASCULAR SYSTEMS, INC., ORIGIN
MEDSYSTEMS, INC. and ENDOVASCULAR
TECHNOLOGIES, INC.

PURSUANT TO THIS STIPULATION, IT IS SO ORDERED.

Dated: July 7, 2005

/s/ Patricia V. Trumbull

HON. PATRICIA V. TRUMBULL
~~Chief~~ Magistrate Judge